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Serial number and name of the beedi factory and location.	Number and date of the award.	Number and date of the Government Order in which the award was published;
(1)	(2)	(3)
26 Lion Clover Beedi Company, Sathya-mangalam 27 Pushpasingam Beedi Company, Karamadai. 28 Lakshmi Mark Beedi Company, Karamadai. 29 Photo Mani Beedi Company, Sulur .. 30 Saval Mark Beedi Company, Telungu-palayam 31 Peeran Beedi Company, Erode 32 Sathar Beedi Company, Erode 33 Podanur Sadi Beedi Company, Erode .. 34 Bobjan Beedi Company, Erode 35 Kodi Majeeth Company, Podanur 36 703 Sardar Beedi Company, Coimbatore .. 37 Minor Beedi Company, Coimbatore .. 38 Jayakodi Beedi Company, Coimbatore .. 39 Thamarai Beedi Company, Coimbatore .. 40 Murad Nabi Beedi Company, Coimbatore .. 41 Basha Beedi Company, Coimbatore .. 42 Vasanthan Beedi Company, Ramanatha-puram 43 Chand Beedi Company, Coimbatore .. 44 Salam Jadi Beedi Company, Coimbatore .. 45 Vali Mark Beedi Company, Coimbatore .. 46 Asal Lakshmi Mark Beedi, Erode 47 Congress Beedi Company, Coimbatore .. 48 Lakshmi Mark Beedi Company, Erode .. 49 Mayil Mark Beedi Company, Erode	I.D. No. 1 of 1950, dated, 27th November 1950, of the Indus- trial Tribunal, Coimbatore.	G.O. Ms. No. 5054, Develop- ment, dated 9th December 1950.
(2) Ganesh Beedi Factory, Hampankatta, South Kanara district.	I.D. No. 33 of 1953, dated 18th December 1953, of Industrial Tribunal, Coim- batore.	G.O. Ms. No. 3, Industries, Labour and Co-operation, dated 2nd January 1954.
(3) Apple Photo Mark Beedi Factory, Alattur, Malabar district.	I.D. No. 17 of 1954, dated 25th September 1954, of the Industrial Tribunal, Coim- batore.	G.O. Ms. No. 2746, Indus- tries, Labour and Co-opera- tion, dated 8th October 1954.

APPENDIX VII.

[Vide item VI on page 636 supra.]

COMMITTEE OF PRIVILEGES.

CHAIRMAN :

1. Sri P. T. RAJAN.

MEMBERS :

- 2 Sri B. BHAKTAVATSALU NAIDU (*Deputy Speaker*).
 3 ANTONY PILLAI, Sri S. C. C.
 4 CHINNATHAMBI THEVAR, Sri M.
 5 DHARMALINGAM, Sri M.
 6 GOPALAKRISHNAN, Sri P. K.
 7 GOVINDASAMY NAYAGAR, Sri A.

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- 8 JEEVANANDAM, Sri P.
- 9 MANICKASUNDARAM, Sri M.
- 10 NAGARAJAN, Sri V. R.
- 11 PALANISWAMY GOUNDER, Sri V. K.
- 12 PANCHAKSHARAM, Sri S.
- 13 RAJAGOPAL, Sri N.
- 14 RAMASWAMI NAIDU, Sri S.
- 15 SELVARAJ, Sri P.
- 16 VENKATARAMA AYYAR, Sri S.

SECRETARIAT :

- 1 Sri T. HANUMANTHAPPA, B.A. (Hons.), B.L.,
Secretary to the State Legislature, Madras.
- 2 Sri G. M. ALAGARSWAMY, B.A., B.L.,
Assistant Secretary to the State Legislature.
- 3 Sri A. MANICKAVELU, B.A.,
Assistant Secretary to the State Legislature.

REPORT OF THE COMMITTEE OF PRIVILEGES ON THE
QUESTION OF THE DEFINITION OF THE TERM
"PRECINCTS OF THE HOUSE".

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

I, the Chairman of the Committee of Privileges, present this report on the question of the construction that should be put on the expression "precincts of the House" as regards this Legislative Assembly.

2. This question was referred to the Committee of Privileges on the 14th March 1955 (Annexure I) by the Speaker under Rule 187 of the Madras Legislative Assembly Rules. While referring the question the Speaker stated that, as certain instances had come to his notice where a magistrate had, in one case, issued a bailable warrant against a Member of the Assembly when the House was actually in session and in another case a constable had tried to serve a summons on a Member within the Assembly building when the House was actually sitting, there was a chance, therefore, of legal process being served within the precincts of the House when the House was actually sitting, which would certainly be a breach of the privilege of the House, and that it was necessary to define the extent of the precincts in view of the location of the Library, the Canteen and Committee room in different places.

3. The Committee met on 31st March, 4th April, 15th July, 26th August, and 21st September 1955.

4. The Committee, at its first sitting on 31st March 1955 which was inaugurated by the Speaker, wanted a note to be prepared on the subject. On 4th April 1955, the Committee considered the note prepared by the Legislature Secretariat (Annexure II) on what

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exactly the term "precincts of the House" meant. Precincts in England meant "within the building at Westminster or within the Palace Yard" which was a compact area. But in Madras, the Assembly Chamber is in one place, the Library in another place and the Committee room is in some other place. These buildings are connected by public thoroughfares and hence there was some difficulty on defining the term. As it was felt that information on the practice obtaining in other countries and the principle adopted there would be helpful in arriving at a decision on the question, the Committee decided to obtain information from the Commonwealth countries of Australia and Canada. The Committee also desired to know the opinion of the Advocate-General, and if necessary, that of Sri R. V. Krishna Ayyar, ex-Secretary to the State Legislature, on the subject.

5. From the replies received (Annexures III to VI), the Committee noted that the precincts include not only the Chamber where the meeting takes place, but also the rooms where the associated offices and facilities are located. Further, it is seen that all the associated offices and facilities are all located in one and the same building. The associated offices that are located in the Westminster Palace in England or the Parliament House in Canberra or the Parliament House in Ottawa are the Committee Room, Speaker's Chamber, Office of the Clerk of the House and the Office of the Secretariats. The associate facilities located are the Canteen and the Library. In one of the Australian States, the precincts extended to the Members' residence also in the Parliamentary grounds known as the 'Lodge'. Here the Chamber, the Canteen, the Ministers' rooms, the Post Office, the Party Rooms, the Library and the Legislators' Hostels, were suggested to be included in the term 'precincts' as far as this Assembly was concerned. As the matter was complicated on account of the fact that these separate buildings were connected by public roads, the Committee considered whether the precincts could not be extended only to such of the buildings away from the Chamber which were subject to the control of the Speaker wherein the associated offices and facilities were located. By applying this test the Post Office and the Hostels had to be excluded as they were not under the control of the Speaker. It was contended that both the Hostels and the Post Office should also be considered as associated facilities and therefore included within the precincts, but the Committee decided that as the public had unrestricted access to these, it would not be proper to bring them under 'precincts'. The inclusion of the roads from the Assembly Chamber to the other buildings within the precincts was also considered. The Committee felt that the Advocate-General and Sri R. V. Krishna Ayyar should be heard before proceeding further in the matter.

6. At its meeting on the 26th August 1955 after hearing the Advocate-General and the ex-Secretary Sri R. V. Krishna Ayyar, the Committee considered what other offices apart from the Chamber, the Canteen, the Library and Committee room should be included. It decided that the definition of the term 'precincts' should be very liberal so as to avoid any scope for misconstruing

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even normal acts as an infringement of the privileges of the House. The question of including the Hostel within 'precincts' was again considered. In this connection it was pointed out that one should not claim the privilege merely because the residence of a Member happened to be within the Government Estate, where the Assembly buildings were also situated. The Committee also considered the necessity of inclusion of the roads from the Assembly Chamber to the other buildings. If the roads are not included in the precincts, the Committee felt that the Members would not be able to use the associated offices and facilities.

7. The Committee, in view of the special circumstances in this State, has differentiated between a Member and a stranger as far as the extent of precincts is concerned. In respect of a Member the precincts should include the roads also as otherwise the Member will not be enabled to discharge his duties. As regards strangers, they are permitted into the Gallery only for witnessing the proceedings. The Library being reserved for Members and other attached offices and facilities not being meant for strangers, the Committee was of the view that 'precincts' as far as strangers were concerned should be taken to mean only the Assembly Chamber.

8. The Committee after due consideration arrived at the following decisions :—

(1) "Precincts of the House" shall mean and include the entire Assembly buildings, the Ministers' rooms, the Library, the Canteen and the Committee room together with the verandas and steps to these buildings and the pathways leading from the Assembly Chamber to the other aforesaid buildings in respect of Members and, as far as strangers are concerned, 'precincts' means the Assembly Chamber including its verandas and steps.

(2) In so far as the persons summoned by a Committee of the House for any purpose whatsoever, they shall be deemed to be within the precincts of the House so long as they are within the Committee Room, its verandas and its steps.

9. The Committee therefore recommends to the House that the above may be approved.

GOVERNMENT ESTATE,
MOUNT ROAD, MADRAS-2,
24th September 1955.

P. T. RAJAN,
Chairman.

DISSENTING MINUTE.

We are agreeable to the majority view of the Committee, but for the exclusion of the Hostels and Party rooms from the definition of the "precincts of the House". Arguments raised not to include hostels in the definition of precincts are that the hostels are not under the control of the Speaker, and that in case they are included they may become an asylum for offenders who can enter those buildings at any time without leave from the Speaker. This is a flimsy argument inasmuch as the canteen or the pathways that are included in the precincts offer no restriction for the entry of strangers and they also

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are not under the exclusive control of the Speaker. The Government can at any time vest the control of any building in the Speaker and this House is fully competent to put any construction on the term precincts of the House that may include any building by virtue of which the Speaker gets authority to exercise control over that building in so far as maintaining the dignity of the House.

As a matter of fact there is a quasi-control of the hostels by the House inasmuch as the House Committee that is constituted to look after the comforts of the Members is empowered to make recommendations with regard to facilities in the hostels also. Hence the hostels are a part of the buildings that go to make the work of the Legislators easy and comfortable, just as the Library or the Canteen is, and hence it is only proper that they are included in the "precincts of the House".

It is to be noted that in Queensland, one of the Australian States, the 'precincts' is extended to the Members' residence also in the parliamentary grounds known as the 'Lodge'. In Canada precincts comprises all the territory over which the Speaker has jurisdiction whether it be the Chamber of the House of Commons itself, or the corridors or the Committee Rooms or Members' rooms surrounding it, and also the restaurants, the Library and the Parliamentary grounds. In England "Precincts of the House" means the building at Westminster that includes Members' residences also. The same is the case in the Australian Parliament, the House of Representatives, Canberra, where also it is a compact building inclusive of Members' residence. Nowhere the Members' residence are excluded from the "precincts of the House" whether they are situated in a compact building or they are intersected by pathways, etc., they being situated in the same parliamentary grounds.

The other argument that the Hostels may become an asylum for offenders inasmuch as entry to the Hostel buildings by strangers are not regulated by the permission of the Speaker, also does not hold water, as the definition of the "precincts of the House" is restricted, as far as strangers are concerned to the Assembly Chamber including its verandas and steps. So there is no question of Hostels providing privileges to strangers.

Next is the question of Party Rooms. As a matter of fact, Party Rooms had been agreed to be included in the definition of the "precincts of the House" during one of the sittings of the Committee, and we are afraid that it was inadvertently left out while discussion turned round whether or not precincts are to comprise Hostels also. The Speaker is the person who allots rooms to every party and so he exercises control over Party Rooms better than any other authority. Further, Party Rooms are necessary facilities associated and attached to the work inside the Legislature. Hence it is only proper that Party Rooms also are included in the definition of the term precincts of the House. We therefore suggest that the definition of the "precincts of the House" shall be amended so as to include the Hostels and Party Rooms also, over and above what had been included in the definition arrived at by the majority of the Committee.

GOVERNMENT ESTATE,
MOUNT ROAD, MADRAS-2,
22nd September 1955.

P. K. GOPALAKRISHNAN.
P. JEEVANANDAM.

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PROCEEDINGS OF THE MEETING OF THE COMMITTEE OF PRIVILEGES.

Thursday, 31st March 1955.

The Committee of Privileges held its first sitting in the Chamber of the Hon. the Speaker, Government Estate, Mount Road, Madras. The following members were present :—

- 1 Sri P. T. RAJAN (*Chairman*).
- 2 Sri S. C. C. ANTONY PILLAI.
- 3 Sri M. CHINNATHAMBI THEVAR.
- 4 THE DEPUTY SPEAKER (*ex officio*).
- 5 Sri S. PANCHAKSHARAM.
- 6 Sri N. RAJAGOPAL.
- 7 Sri P. SELVARAJ.
- 8 Sri A. GOVINDASWAMI NAYAGAR.
- 9 Sri M. MANICKASUNDARAM.

The Hon. the Speaker inaugurating the first meeting of the Committee, at the very outset, thanked Sri P. T. Rajan for his consent to serve on the Committee and said that he would be of very great use and help to the Committee having held important positions in life and also being an experienced legislator.

While explaining the importance of the Committee, he requested the Members of the Committee to be impartial in matters which would come up for consideration in the Committee and it was immaterial to them whether a particular matter concerned one party or the other party. In that connexion, he revealed to the Committee that he had secured copies of about fifteen reports on 'Privileges' from the British Consul and asked the Members to go through them.

Referring to certain privileges enjoyed by the Members of the Assembly, he said that they could not enjoy new privileges. In England, Members could not enjoy new privileges.

In conclusion he assured the Committee that the services of the Secretary to the Legislature and himself would be at their disposal and then wished the Committee success and prosperity.

To an enquiry from Sri Chinnathambi Thevar, the Hon. the Speaker said that at the next meeting of the Committee, they would have to consider what exactly the term "precincts of the House" meant. (Then the Hon. the Speaker withdrew as he had to preside over the meeting of the Assembly.)

The Chairman then informed the Committee that at the next meeting they would have to consider what exactly the term "precincts of the House" constituted. At this stage Sri S. C. C. Antony Pillai suggested that information on the subject from other Legislatures may be collected and furnished to the members. The Secretary said that a communication on the subject to the Legislature Secretariat, West Bengal was sent. There was a case of

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the arrest of a member within fifty yards from the gate of the Assembly and that had been referred to the Committee of Privileges. That Committee had not concluded its deliberations and the report was not ready. Even the Speaker's Conference did not define it but left it to be decided by the individual Speaker.

After some discussion, the Chairman asked the Secretary to prepare a Note on what exactly the term "precincts of the House" meant.

Then the Committee decided to meet at 10-30 a.m. on Monday, the 4th April 1955.

Monday, 4th April 1955.

The Committee of Privileges met at 10-30 a.m. in the Committee Room, Old Legislators' Hostel, Government Estate, Mount Road, Madras. The following members were present:—

- 1 Sri P. T. RAJAN (Chairman).
- 2 Sri B. BHAKTAVATSALAM NAIDU.
- 3 Sri S. C. C. ANTONY PILLAI.
- 4 Sri V. R. NAGARAJAN.
- 5 Sri M. CHINNAPPA CHAMBI THEVAR.
- 6 Sri M. PANDURANGAM CHAKSHARAM CHETTIAR.
- 7 Sri N. RAJAGOPAL.
- 8 Sri P. SELVARAJ.
- 9 Sri P. K. GOPALAKRISHNAN.
- 10 Sri M. DHARMALINGAM.
- 11 Sri M. MANICKASUNDARAM.

The Secretary to the Legislature was present.

At the outset Sri P. K. Gopalakrishnan suggested that some more information on the Law and practice and the decision taken on similar cases in the Commonwealth countries might be obtained.

The Chairman pointed out that the Legislatures are following the procedure followed by the House of Commons and for further information, the Committee might address the other Commonwealth countries. He also pointed out that the Committee need not follow what those countries were following but, if that would help them to come to a decision with reference to the peculiar conditions and circumstances here, a reference might be made.

The Deputy Speaker said that in the Presiding Officers' Conference at Kashmir it was decided that each Assembly might decide such things for itself. Addressing other countries would not help apart from eliciting information from them. Sri Rajagopal also expressed the view that they might decide according to conditions here.

There was some further discussion with regard to the necessity for addressing other countries. It was pointed out that the Westminster Palace in England was a compact building while in Queensland in Australia even rooms set apart for the use of

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members were included in precincts. So, it would be better if the Committee decided the case according to the peculiar conditions there, as the Hostel, Library, Assembly Chamber, etc., were all scattered and in different buildings here.

Sri Gopalakrishnan explained that it would be helpful in coming to a decision to know the practice in other countries.

The Chairman also explained that the Committee would not be asking for the opinion of the other countries, but that it would be asking them to supply literature on the subject, so that it would draw whatever help it could from them and the Committee could make its own decision. He stated that if the Committee felt that it should address other countries, that might be done.

The Committee finally decided to address Australia and Canada and it was felt that as far as England was concerned, information was already available. It was not felt necessary to address other State in India.

On the suggestion of the Chairman, the Committee also decided that the Secretary may contact the Advocate-General and obtain his opinion as to the meaning of 'precincts' and with special reference to the Government House Estate.

On the request of the members, it was decided that the Secretary may circulate the information as and when received and Members may write to the Secretary for further information.

To a suggestion that the ex-Secretary, Sri R. V. Krishna Ayyar may also be examined, it was decided that if the Committee felt that anybody should be examined, it might be done at its next meeting.

To a suggestion that a sketch of the buildings comprising the precincts of the Houses of other countries might also be obtained, the Chairman said that it may not be possible to get the information.

After some discussion as to the date of the next meeting, it was tentatively agreed that the Committee would meet again on Wednesday, the 15th June 1955. It was also agreed that the Committee might sit continuously for two or three days at its next meeting, if necessary, and finish the work.

The Committee then adjourned.

Friday, 15th July 1955.

The Committee of Privileges met in the Committee Room, Old Legislators' Hostel, Government Estate, Mount Road, Madras, at 11 a.m. on Friday, the 15th July 1955. The following members were present:—

- 1 Sri P. T. RAJAN (*Chairman*).
- 2 Sri S. C. C. ANTHONY PILLAI.
- 3 Sri B. BHAKTHAVATSALU NAIDU.
- 4 Sri M. CHINNATHAMBI THEVAR.

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- 5 Sri M. DHARMALINGAM.
- 6 Sri P. K. GOPALAKRISHNAN.
- 7 Sri M. MANICKASUNDARAM.
- 8 Sri V. R. NAGARAJAN.
- 9 Sri V. K. PALANISWAMY GOUNDER.
- 10 Sri S. PANCHAKSHARAM.
- 11 Sri N. RAJAGOPAL.
- 12 Sri P. SELVARAJ.
- 13 Sri S. VENKATARAMA AYYAR.

The Secretary to the State Legislature was also present.

The Chairman informed the Committee that the Speaker's reference to the Committee to define the term "precincts of the House" was with reference to service of legal process but there was another aspect also, viz., the "precincts of the House" with reference to any disciplinary action taken by the Speaker against a Member. There are two views about the buildings to be included in the precincts. The narrow view was that only the main Assembly building, the Library and the Committee room might be brought under the precincts. The other view was that "precincts of the House" might be taken to include the main Assembly Chamber, the Library, the Committee Room, and Party Rooms also in so far as their allotment was under the control of the Speaker.

Sri P. K. Gopalakrishnan stated that the test for inclusion of a building under "precincts" should not be whether the Speaker had control over it and suggested that the Legislators' Hostel also must be included within the scope of the term "precincts of the House" on the analogy of the custom prevailing in the Travancore-Cochin State where the inner and outer precincts included among other Parliamentary buildings, the Secretariat buildings also over which the Speaker had no jurisdiction. He wanted that all the buildings mentioned by the Advocate-General and all other buildings that were used by Members in the discharge of their duties should be brought within the scope of the term. Both the Legislators' Hostels might also be included. The whole Government Estate might be treated as the "outer precincts" within which "all Members shall have freedom from arrest and service of or execution of legal process."

Sri S. Panchaksharam Chettiar pointed out that in other Legislatures and Parliaments the term "precincts of the House" had been defined in a general way but that here the Committee had been asked to define the term with particular reference to service or execution of legal process. He wanted to know whether they were to define the term "precincts of the House" with reference to all aspects of the case or whether they should restrict themselves to the service or execution of legal process only.

The Chairman pointed out that they could now confine themselves only to the question of the service of legal process and if they so desired with reference to disciplinary action by the Speaker.

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Sri S. Panchaksharam Chettiar then wanted that the buildings now under the control of the Speaker, pathways leading to them and the Legislators' Hostels during lunch hour only should be included in the definition.

The Secretary pointed out that the Legislators' Hostels were not under the control of the Speaker.

Sri V. R. Nagarajan supported the proposal for including the Hostels also within the scope of the definition and wanted that the Speaker should be invested with the necessary powers of control over the hostels.

The Chairman pointed out that if exclusive control was vested with the Speaker, the Government would not be in a position to let the hostel buildings to others resulting in loss of revenue.

The Secretary also pointed out certain practical difficulties in accepting the suggestion to declare the entire area as 'precincts'. In England the service of summons on a member within the precincts when the House was sitting was a breach of privilege and the strangers were also entitled to the same privilege. If the area of privilege is extended to the entire area here the strangers also will be entitled to the same privilege as members.

The Chairman then stated that exemption from service of or execution of legal process should be given to strangers only in so far as the main Assembly building was concerned and not in respect of other buildings.

In reply to a suggestion made, the Chairman pointed out that the Cafeteria, if included within the scope of the definition would have to be split into two portions one of which should be reserved for the exclusive use of Members.

There was some further discussion regarding the inclusion of the party rooms and the hostels. The Secretary pointed out the difficulties in controlling the admission of visitors to these places. The Committee then tentatively decided that with reference to Members, the term "precincts of the House" should include the main Assembly building, the Library, the Committee Rooms wherever the meetings are held, the party rooms, the Ministers' Rooms in the Government Estate, the Cafeteria and the pathways leading to and from all these buildings and, with reference to strangers, the term should include in it only the main Assembly building so that any insult or disrespect to the House might be avoided. This definition would apply even if a Committee of the House was sitting irrespective of whether the Assembly was sitting or not.

Sri S. C. C. Antony Pillai suggested that the lawns around the main building might also be included within the definition but it was not accepted.

In winding up the proceedings, the Chairman said that he would consult the Speaker with reference to the inclusion of the

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Hostels within the scope of the definition, the privileges to be extended to strangers and also, if the Speaker was willing, the question of fixing a reasonable time-limit before and after the sitting of the House during which the service of legal process would not be permissible.

The Committee then adjourned *sine die*.

Friday, 26th August 1955.

The Committee of Privileges met in the Committee Room, Old Legislators' Hostel, Government Estate, Mount Road, Madras, at 3 p.m. on Friday, the 26th August 1955. The following members were present:—

- 1 Sri P. T. RAJAN (*Chairman*).
- 2 Sri M. CHINNATHAMBI THEVAR.
- 3 Sri M. DHARMALINGAM.
- 4 Sri P. K. GOPALAKRISHNAN.
- 5 Sri V. K. PALANISWAMY GOUNDER.
- 6 Sri N. RAJAGOPAL.
- 7 Sri P. SELVARAJ.
- 8 Sri S. VENKATARAMA AYYAR.

The Secretary to the State Legislature was also present.

Sri V. K. Thiruvengatachari, Advocate-General, Madras, and Sri R. V. Krishna Ayyar, retired Secretary to the State Legislature, Madras, were present by invitation.

The Advocate-General said that the definition of the term "precincts of the House" should be very liberal so as to avoid any scope for construing even normal acts as an infringement. A very strict definition would not be practicable and might lead to confusion.

Sri R. V. Krishna Ayyar suggested that the following definition might be adopted:—

"The precincts of the House"—

"(a) in connexion with a meeting of the House or of a Committee held in any of the rooms within the Assembly building may be defined as including the entire Assembly building together with the Library, the Refreshment Rooms, the Ministers' Rooms in the Government Estate, and the passages leading from the Assembly buildings to the Library, Refreshment Rooms and the Ministers' Rooms; and

(b) in connexion with a meeting of a Committee held outside the Assembly building as including the actual room in which the meeting is held together with the passages, stair-cases and other parts of the building in which that room is situated which are appurtenant to it or necessary for its use as a meeting place for the members of the Committee".

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The Chairman said that he was for extending the privileges to strangers also only in so far as the main Assembly building was concerned, as this was necessary to avoid any interruption of, or disturbance to, the proceedings of the House.

He suggested that "precincts of the House" might include the main building, the Ministers' Rooms, the Canteen, the Library and the place of meeting of any Committee of the Legislature including the verandas and steps appurtenant to these buildings and the pathways leading to them.

Sri P. K. Gopalakrishnan strongly pleaded for the inclusion of the Legislators' Hostels.

The Chairman said that this could not be done since the hostels were not under the control of the Speaker. If the hon. Member could make the Hon. Sri C. Subramaniam, the Leader of the House, agree to place the hostel under the control of the Speaker, he had no objection to its inclusion.

Sri R. V. Krishna Ayyar stated that the hostel was only a residential place where no business of the House as such was transacted. The mere fact that it happened to be situated in the Government Estate should not be a reason for including it.

He suggested that the privilege might be extended to those who were invited by the Committee either to give evidence or to help in its deliberations.

After some discussion, the following decisions were arrived at :—

(1) "Precincts of the House" shall mean and include the entire Assembly Building, the Ministers' Rooms, the Library, the Canteen and the Committee Room together with the verandas and steps to these buildings and the pathways leading from the Assembly Chamber to the other aforesaid buildings in respect of members and, as far as strangers are concerned, 'precincts' means the Assembly Chamber including its verandas and steps.

(2) In so far as the persons summoned by a Committee of the House for any purpose whatsoever, they shall be deemed to be within the precincts of the House so long as they are within the Committee Room, its verandas and its steps.

The Committee then adjourned to meet again on 21st September 1955.

Tuesday, 21st September 1955.

The Committee of Privileges met in the Committee Room, Old Legislators' Hostel, Government Estate, Mount Road, Madras, at 5-30 p.m. on Tuesday, the 21st September 1955. The following members were present :—

- 1 Sri P. T. RAJAN (*Chairman*).
- 2 Sri M. CHINNATHAMBI THEVAR.
- 3 Sri S. PANCHAKSHARAM CHETTIAR.
- 4 Sri P. K. GOPALAKRISHNAN.

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5 Sri V. K. PALANISWAMY GOUNDER.

6 Sri N. RAJAGOPAL.

7 Sri P. SELVARAJ.

8 Sri M. MANICKASUNDARAM.

The Secretary to the State Legislature was also present.

The Committee took up for consideration the draft report.

Paragraphs 1 and 2 were approved.

Paragraph 3.—The Secretary stated that to-day also, viz., 21st September 1955, would be included as one of the dates on which the Committee of Privileges met.

Paragraph 3 was approved.

Paragraphs 4 to 7 were approved.

Paragraph 8.—Sri N. Rajagopal asked as to what was meant by the term 'canteen'. They were having as many as three canteens.

The Chairman observed that the term 'canteen' meant the one that was catering to the Members of the Legislature.

The Secretary stated that if they were to particularize any canteen run by such and such a person or situated at such and such a place, difficulties would arise because that canteen might be shifted later on to some other place.

The Chairman pointed out that there was no harm if the House as a whole decided in favour of including any other building within the term "precincts of the House", if it so chose.

Sri P. K. Gopalakrishnan said that the main argument for not including the Legislators' Hostel within the term "precincts of the House" was because of the fact that the Speaker had no control over the same, which he however could not accept.

The Chairman replied that that was not the main but one of the arguments. In one of the Australian States, the precincts extended to the Members' residence also in the Parliamentary grounds known as the 'Lodge'. Therefore the Chairman observed that it was open to the House to include the Legislators' Hostel, if it so chose.

Sri P. K. Gopalakrishnan said that with regard to strangers the precincts would mean only the "main building", and if the Legislators' Hostel was included, even though strangers could have entry into the hostel, it would not protect them. Therefore there was no harm in including the Legislators' Hostel under the term "precincts of the House".

The Secretary observed that if they restricted the hostel to Members only, just as the Library, then there would not be any difficulty.

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The Chairman was of the view that it was open to the House to include the Legislators' Hostel or not. If the Government so willed, they could ask the strangers, other than Members, to get out of the hostel by giving them notice.

The Secretary said that unlike in the Lok Sabha and the Westminster Palace where the library, canteen, post office, etc., were all self-contained, here on account of the location of the library, canteen and Committee Room at distant places from the House, there was need for defining the term "precincts of the House".

The Chairman observed that the House of Commons stood on a different footing. They resented any act on the part of any subordinate authority as derogatory to the dignity of the House. They considered it as an infringement of the rights of the House. They did not bother about strangers. Their view was that any subordinate authority should not come and act within the precincts of the House, which was the supreme body. The question before them was whether they could claim such authority as far as the House of this State was concerned. The Chairman added that **any one** of them could raise this point, as well as the question of the inclusion of the Legislators' Hostels also, in the House, when the report was presented and they would not be estopped from doing so.

The Secretary observed that if the hostels were included, then the question of inclusion of buildings wherein Members like Dr. Varadarajulu Naidu, Sri V. Gopala Gounder, etc., resided would also have to be considered.

Sri P. K. Gopalakrishnan observed that with regard to the hostel, if there was any vacancy, he had the right to demand a room whereas he could not do so in respect of any other building.

The Chairman observed that this was a controversial question. His object was to present a unanimous report. The observations of the Hon. Member would be recorded in the proceedings, which would be appended to the report.

The Chairman said that if the Member was still keen on giving a dissenting minute, he would not stand in the way and he could do so by presenting the dissenting minute before 12 noon on the 22nd September 1955.

Paragraph 8 was approved with Sri P. K. Gopalakrishnan dissenting.

To a query from Sri V. K. Palaniswamy Gounder as to why the Post Office was left out, the Chairman observed that neither they nor the State Government had any control over the same. It was under the control of the Central Government and the Members could raise the question of including the Post Office and the Legislators' Hostels in the House when the report came before it. If the House so desired, the Post Office might be reserved for the exclusive use of the Members of the Legislature.

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The Chairman observed that he did not want to prevent any of them from asking for the inclusion of any building under the "precincts of the House", when the matter came up before the House for discussion.

The Committee authorized the Chairman to sign the report on behalf of the Committee.

GOVERNMENT ESTATE,
MOUNT ROAD, MADRAS-2,
23rd September 1955.

T. HANUMANTHAPPA,
Secretary to the State Legislature.

ANNEXURE I.

*(Extract from the proceedings of the Legislative Assembly,
dated 14th March 1955.)*

SERVING OF ARREST WARRANT ON AN HON. MEMBER OF THE HOUSE.

MR. SPEAKER:—"It is my desire to bring a matter of breach of privileges before the House under rule 187. Rule 187 lays down that 'notwithstanding anything contained in these rules, the Speaker may *suo motu* refer any question of privilege to the Committee of Privileges for examination, investigation or report.'

"Under rule 187, I desire to refer an important matter to the Committee of Privileges to be decided by it. On 19th February 1955, while a Committee of the House was sitting to consider the Madras Indebted Agriculturists (Repayment of Debts) Bill, the Secretary to the Legislature received a letter by post from a Judicial Sub-Magistrate in the district of South Kanara requesting him to inform me of the fact that he had issued a bailable warrant against a Member of the Legislature. That Member was a Member of the Committee and was at that time sitting at a meeting of the Committee. I instructed the Secretary to contact the Hon. the Leader of the House and to inform him that the service of a legal process or the execution of a legal process, within the precincts of the Legislature during the sitting of a House or a Committee of the House would be a breach of privilege. I am glad to say that the Hon. the Leader of the House prevented the execution of the bailable warrant on the hon. Member at the time. Two weeks ago, another Member informed me that a constable wanted to serve a summons on him within the building of the Assembly. When I brought this to the notice of the Hon. the Leader of the House, he again prevented it. There is no use in blaming the police for acts like these as they are ignorant of the privileges of the House. Even in England where the orders to the police regarding matters of privilege are precise, the police officials now and then commit mistakes. In order to avoid similar occurrences in future, I desire to lay before the House certain facts regarding the question of privilege within the precincts of the House.

"In England on the 12th January 1889, a police order was passed in the following terms:—

'Criminal process may not be served or executed on any Member of Parliament within the Palace of Westminster or within the palace yard without the leave of the House; and no action whatever will be taken by police in such cases without the special instructions of the Commissioner.'

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“ This order was made as the result of the report of the Select Committee of the Commons appointed to consider the attempt by a police officer to serve a summons upon a Member of the Parliament in the outer Lobby of the House. The Select Committee had expressed the opinion that the action of the police officer was:

‘ a breach of the Privileges of the House, inasmuch as it was an attempt to serve a summons upon a Member, within the precincts of the House, while the House was sitting, without the leave of the House first obtained.’

“ I hope the hon. Members of this House will observe that the police order is not limited to the time while the House is sitting.

“ I have asked the Secretary to the State Legislature to write to the Government to issue similar instructions to the Police officers in this State.

“ Service of process even upon a stranger or officer of the Legislature within the precincts of the House while the House is sitting is a breach of privilege.

“ In 1945 a Committee was appointed by the House of Commons to go into this matter. There, process was served on an officer of the House. The matter was referred to the Committee of Privileges of the House of Commons. I am now quoting from the report of that Committee which says:

‘ If, then, service of process on a member within the precincts of the House, while the House is sitting, without the leave of the House first obtained, is a breach of privilege, the reason must be that it is deemed disrespectful to the House. For a stranger admitted within the parliamentary precincts with the permission, express or tacit, of the House to presume to serve the process of an inferior tribunal in the presence, actual or constructive, of the House is clearly an abuse of the privilege of admission to the House, and a violation of the dignity of the High Court of Parliament. As the essence of the offence is the insult to the House, it is immaterial whether the person on whom the process is served is a member or not’.

“ Regarding service of process within the precincts of the House while the House is not sitting, the same Committee says:

‘ As regards service of process within the precincts on sitting days, it would be impracticable to limit the time during which it would constitute a breach of privilege strictly to the hours during which the House was sitting. It must be extended for at least a reasonable time before the meeting and after the rising of the House.’

Further it says:

‘ If a stranger were to resort to the Palace of Westminster in order to avoid arrest, it would be competent to the Speaker to direct him to be removed from within the precincts.’

“ As regards persons who reside within the Palace of Westminster, just like our friend Dr. P. Varadarajulu Naidu here (laughter)—I am only mentioning his name as an instance—this is what the Committee says”

SRI P. G. KARUTHIRUMAN:—“ What about those residing in the Legislators’ Hostel, Sir? ”

MR. SPEAKER:—“ Yes, I will come to that aspect also. Now, as regards persons residing within the Palace of Westminster, the Committee says:

‘ The Service of Process (Justices) Act, 1933, enables a summons to be, effectively served upon a defendant at his last or usual place of abode by registered post. It is not likely that the service or execution of process would often be a matter of such urgency that to wait until the leave of the House had been obtained to serve or execute it would defeat the ends of

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justice. If it was feared that such a result would follow, application would be made to the Speaker who would doubtless authorize the process to be served or executed relying on the House to ratify his action.

"The protection from service or execution of process afforded by the dignity of the House in no way affects the right of Police officers on duty within the precincts to arrest strangers who, having been admitted to the Palace of Westminster, commit criminal offences or are thought to be about to do so, subject to this that they must refrain from entering the House itself while it is sitting unless they have previously received its permission.

"I hope that the Government will communicate all this to the police so that they may know the exact limits of their authority.

"In England the expression 'Precincts of the House' means 'Within the building at Westminster or within the Palace Yard'. In this Legislature the question is complicated by the fact that while the House sits in one place, its committees sit in various other places. Sometimes, a committee sits in the Committee Room at Fort St. George. Sometimes it sits in one of the rooms in the building allotted to the Ministers in the Government Estate and of late it has been sitting in a room in the Old Legislators' Hostel in the Government Estate. Moreover the Library of the Legislature which must be regarded as part of the precincts of the House is situated at a distance, in the cellar under the Rajaji Hall."

THE HON. SRI C. SUBRAMANIAM:—"Suppose the Committee were to sit outside the City itself, for instance, in Kozhikode or some other place, Sir?"

MR. SPEAKER:—"I am coming to that also. The refreshment room attached to the House is a temporary shed put up in the yard adjoining the House. All these must be regarded as precincts of the House. But from their very situation strangers can have easy access to these buildings and places even without the permission of the Speaker. The exact limits of the precincts of this Assembly have therefore to be carefully determined. I therefore refer this matter to the Committee of Privileges to report on the construction they want to put on the expression 'Precincts of the House' as regards this Legislative Assembly. I must tell the House that I am not referring to the Committee of Privileges that is in existence now. I am only referring to the new Committee that will be constituted in a day or two for the next official year. Probably, after this session the House will meet in July or August. Whatever it is, I request the Committee to send its report to the House on the third day after the commencement of the next sitting of the House. Then the House may go into the matter."

ANNEXURE II.

NOTE FOR THE COMMITTEE OF PRIVILEGES.

The members of the Legislature have to carry out their public duties as representatives of the people properly and effectively, and for that it is necessary that they should be allowed certain privileges, powers and certain immunities as necessary complements of their functions.

Under Article 194 of the Constitution of India, a member has, subject to rules, freedom of speech in the Legislature and he is not liable to any proceedings in Court in respect of what is said in the

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House and for any vote given. The other privileges have to be defined by Law. Till they are defined, the powers, privileges and immunities of a House of the Legislature of a State and of the members shall be those of the House of Commons.

Freedom from arrest is one of the Privileges in England. This freedom was claimed by the Commons as early as 1404 and the claim was restricted to arrest for debt, trespass or contract of any kind. Later, freedom from all arrest except for treason, felony or surety of the peace was claimed. May says that the privilege of freedom from arrest has always been limited to civil cases and has not been allowed to interfere with the administration of criminal justice. Subsequently it was noticed that arrest was not only for civil and criminal cases but also under Preventive Detention Regulation. It has been held in the Ramsay's Case that an M.P. cannot claim freedom from arrest under Preventive Detention. No civil actions or suits can be started during the time of Parliament and during the period when the member was journeying to or returning from Parliament. Imprisonment in civil process has been abolished in England with the result this privilege has lost much of its value there. Little protection is afforded by privilege in criminal offences and the House does not allow even the sanctuary of its walls to protect a member from the process of criminal law. In 1895, Lord Cochrane, a member of Parliament, was arrested while he was sitting on the Privy Councillors' Bench in the House of Commons. The only privilege in the case of arrests for criminal processes and under Preventive Detention is that the House must be informed of the cause of arrest. If the House is not informed at the earliest opportunity this would constitute breach of privilege. Similarly, serving or executing civil process within the precincts of either House, at any rate if such *House is sitting*, is prohibited. Service of criminal process upon a member of either House within the precincts of such House without the leave of the House first obtained will be a breach of privilege when the House is sitting.

The point referred to the Committee by the Hon. Speaker is the determination of the limits of precincts of the Assembly. In his observations on that date, the Hon. Speaker has specifically mentioned the orders that exist on the subject, viz., the police order of 12th January 1889 and the report of the Privileges Committee of the House of Commons where a summons had been served on an officer when the House was sitting. That Committee has, among other things, observed:—

'It is clear that service of process even upon a member within the precincts of the House during a prorogation or during any periodical recess, or even on a day over which the House had adjourned is not a breach of privilege. To hold that it is, would be to confuse *what* is the House with *where* the House is.'

Whatever applies to the House applies to the Committees also.

At the Conference of Presiding Officers held at Srinagar in 1954, though the meaning of the word 'precincts' was incidentally considered it was left to the individual Presiding Officers to define the term with special reference to the conditions in their State.

In Delhi, the Lok Sabha, the Rajya Sabha and the Supreme Court are at present located in the Parliament House. The area comprising the precincts does not seem to have been earmarked. In some of the States in India, the Secretariat is also housed in the same

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building as the Assembly. Same is the case with the Legislative Council of this State. There are Secretariat office rooms round about.

In one of the Australian States, viz., Queensland, rooms set apart for the use of members are included in the precincts. There is a standing order to that effect.

The meaning of the word 'precincts' as found in various dictionaries is culled out and annexed.

The main idea seems to be that precincts should be confined to areas which require the permission of the Speaker for entry by non-members. At present the permission of the Speaker is required to enter the library, lobby, the galleries and the members' waiting hall. No permission is required to enter the Cafeteria, Ministers' Rooms and Hostels.

T. HANUMANTHAPPA,
Secretary to the State Legislature.

ANNEXURE.

<i>Name of the dictionary.</i>	<i>Meaning.</i>
(1)	(2)
1 The Law Lexicon	Any district marked out and defined.
2 Bouvier's Law Dictionary.	Any district inferior to county and superior to Township; A district for which a high or petty constable is appointed. (It is used in certain Legislation in Wyoming relatively to assessing taxes on railroad property, as a general word and not a technical one.)
3 The Oxford English Dictionary.	A space enclosed by the walls or other boundaries of a particular place or building or by an imaginary line drawn around it (sometimes an enclosure consecrated).
4 Warton's Law Lexicon ..	A constable's district; The immediate neighbourhood of a place or court.
5 Mosley and Whiteley's Law Dictionary.	Boundary—A certain limited district—The local district; A place formerly privileged from arrests.
6 Shorter Oxford English Dictionary.	3 above; esp. pl the environs; A girding or enclosing line or surface, a boundary, a compass; A district defined for purposes of Government or representation; A subdivision of a country or ward for election and police purposes.
7 Chamber's Dictionary ..	Limit or boundary of a place; A district or division within certain boundaries; Limit of jurisdiction or authority.

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ANNEXURE III.

(1)

- (a) Letter from the Secretary to the State Legislature, Government Estate, Mount Road, Madras-2, to the Advocate-General, Madras, dated 9th May 1955, No. 2871/55-4-M.L.

[Committee of Privileges—Definition of the “ Precincts of the House ” with regard to the Assembly.]

Under rule 187 of the Madras Assembly Rules, the Hon. the Speaker of the Madras Legislative Assembly referred to the Committee of Privileges the question as to what construction should be put on the expression “ Precincts of the House ” as regards this Legislative Assembly. A copy of the speech delivered by the Hon. the Speaker explaining the circumstances necessitating this reference to the Committee is enclosed.

2. Accordingly the Committee of Privileges met on 4th April 1955 and it was decided to obtain the opinion of the Advocate-General as to the exact meaning of the expression ‘precincts’ with special reference to the Government House Estate. Copy of a note on the matter circulated to members on that day and a copy of that day’s proceedings are also enclosed together with a rough sketch showing the location of the buildings connected with the Legislative Assembly in the Government Estate, Mount Road.

3. The Committee will very much like to know the exact scope of the area covered by the word ‘precincts’ so far as this Assembly is concerned; which buildings or portions of buildings will be usually and can be legally included in that term and the principles on which the area meant by that term should be exactly and definitely demarcated to arrive at a correct decision on the matter.

4. I am therefore to request you to kindly forward your opinion in the matter.

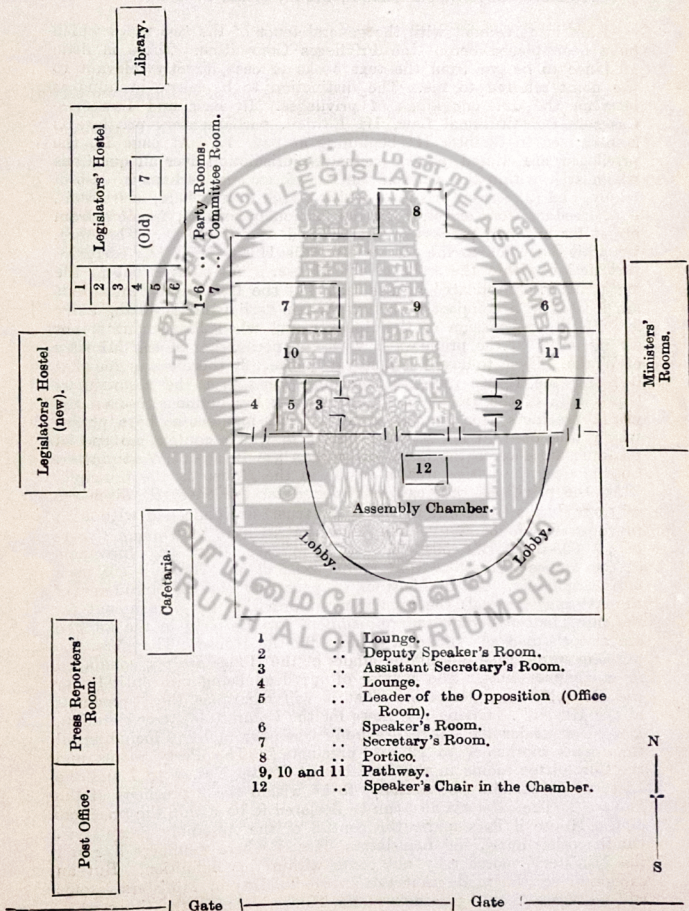
வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

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GOVERNMENT ESTATE COMPOUND.

ROUGH PLAN SHOWING THE LOCATION OF THE BUILDINGS CONNECTED WITH THE
MADRAS LEGISLATIVE ASSEMBLY.

(Not to scale.)



WALLAJAH ROAD.

[30th September 1955]

(b) *Opinion of Advocate-General—No. 171-1.*

[Committee of Privileges—Definition of the “Precincts of the House” with regard to the Assembly—Letter No. 2871/55-4-M.L., dated 9th April 1955, from the Secretary, State Legislative Assembly, Government Estate, Mount Road, Madras.]

I am in agreement with the general tenor of the two notes which have been placed before the Privileges Committee. There is little guidance to be got from the text books or case directly relevant to the point referred to me. The distinction to be borne in mind is between the different kinds of privileges. In Keir and Lawson—Cases in Constitutional Law, III Edition, parliamentary privilege is summarized in Chapter III beginning at page 71. At page 73, the privileges are stated as (1) exclusive jurisdiction over all questions which arise within the walls of the House, except, perhaps in case of felony, and (2) certain privileges which attach to members, of freedom, e.g., freedom from arrest. In the particular context, freedom from arrest for criminal process is not claimed as a privilege. Therefore, we limit ourselves to the matter that the House itself has exclusive jurisdiction within the walls of the House. As pointed out in the note this is complicated by the fact that the Houses of Parliament are located in a compact building. When Parliament is sitting entry is with the permission of the Speaker and when Parliament is not sitting entry to the premises is with the permission of the Ministry of Works. Even to-day it is a Royal Palace. I, therefore, agree that it is for the House itself to determine what is to be regarded as “precincts of the House”. We must not lay undue stress on the word “precincts” for the reason that it just happens to be a phrase which was used in a particular ruling in which context no special meaning attaches to the words other than the Palace of Westminster. Control over the entire area is vested in the House on the principle, “All the privileges that can be required for the energetic discharge of their duties (inherent in that high trust) are conceded without a murmur or a doubt”. We may note that in *Kind v. Graham Campbell*, 1935-1 K.B., 594, the two phrases “in the precincts of the House” and “within the walls of the House” are used indiscriminately. At the bottom of page 598 (in the argument of the Attorney-General) the regulation of provision for refreshment for the mind in the library and refreshment for the body in the kitchen are also claimed as “internal affairs” of the House. Therefore, the problem in our case is that the affairs of the House are not conducted in a compact area. The matter of privilege being one entirely for the House, it can determine what it will regard as the “precincts of the House”. Giving my views for the Committee’s consideration, I would consider the entire Assembly Chamber building including all the rooms marked 1 to 12 as “precincts”. The Party rooms and the Committee rooms in the Legislators’ Hostel Nos. 1 to 7 and the Library can certainly be declared to be within the “precincts of the House”. The cafeteria also can be declared to be within the precincts of the House if it is under the control of the Assembly Secretariat. On the other hand, the Legislators’ Hostel where members live and the Ministers’ rooms may not come within this definition. But an exception can be made that the entire building of Ministers’ rooms will be regarded as “precincts of the House” during the times when Committees of the House are functioning there and for a period specified, say, an hour before and after the said Committee meetings are

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held. The same principles would apply to any rooms in the Fort St. George Secretariat. When meetings of Committees are held there, those are applicable to both rooms and veranda.

MADRAS,
15th April 1955.

V. K. THIRUVENKATACHARI,
Advocate-General.

(2)

- (a) Letter from the Secretary to the State Legislature, Government Estate, Mount Road, Madras-2, to the Advocate-General, Madras, dated 20th April 1955, No. 2871/55-6-M.L.

[Committee of Privileges—Definition of the “Precincts of the House” with regard to the Assembly. *Reference.*—(i) This Secretariat letter No. 2871/55-4-M.L., dated 9th April 1955, and (ii) Your letter No. 171-1, dated 15th April 1955.]

I am to thank you for your opinion and to forward the following for further clarification:—

You have opined that the main Assembly Buildings, Party Rooms, Library and the Cafeteria may be included in the definition “precincts of the House”. These buildings are separated from one another and are connected by means of long thoroughfares which are used by the public also without the permission of the Speaker. I am to enquire whether these thoroughfares would also come within the meaning of ‘precincts’ and whether it would be a breach of privilege if a member is served criminal process on his way to and from the main building and to and from any one of the other buildings also. The rough sketch sent to you last time is attached.

(b) *Reply of Advocate-General*—No. M.S. 197-1.

[Committee of Privileges—Definition of “Precincts of the House” with regard to the Legislative Assembly. *Reference.*—Letter No. 2871/55-6-M.L., dated 20th April 1955, from the Secretary to the State Legislature.]

Except where it is possible to have a well-defined passage with a defined boundary by way of fence on either side, it would not be correct to declare the thoroughfares between the buildings as part of the “precincts of the House”. From the plan, it appears this can possibly be done with reference to the Cafeteria and the Ministers’ Rooms. If the decision is taken to do this, then the boundaries should be marked by a fence and the declaration should refer to the boundaries so marked.

2. With regard to the service of criminal process when the Member is on the way to and from any one of the other buildings, my view is that this cannot properly be taken up as part of the question of invasion of the “precincts of the House”. This matter may be separately considered when you are defining the limits of privilege in relation to the service of process, etc., during the sittings of the House. In that connection, we may consider a definition of the sitting of the House and provide that the service of a process during the sittings may be after notice to the Secretary and to the Minister,

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and if necessary with the permission of the Hon. the Speaker. In that connection, it may be proper to say that the period of sittings of the House will cover the period of interval and also include the time when Members resort to the common rooms or cafetaria during the hours of the sittings.

MADRAS,
17th May 1955.

V. K. THIRUVENKATACHARI,
Advocate-General.

ANNEXURE IV.

(1)

Letter from the Secretary to the State Legislature, Government Estate, Madras-2, to LEON J. RAYMOND, Esq., O.B.E., B.A., Clerk of the House of Commons, Ottawa, Ont., Canada, dated 30th May 1955, No. 2871/55-10-M.L.

During the month of February 1955, the Speaker of the Madras Legislative Assembly received a letter from a Magistrate in one of the districts in the State to the effect that a bailable warrant had been issued for the arrest of a member of the Assembly. The said member was residing in one of the Legislators' Hostels inside which the Legislature Committee Room is also now located. This Hostel, a separate building, is situated to the north-west of the Assembly Chamber, at a distance of about 75 yards with one or two other buildings and two roads in between. As the serving of criminal process "within the precincts of the House" when the House is sitting, would amount to breach of privilege, a question has arisen as to what would constitute 'precincts'.

The Speaker, on the 14th March 1955, referred to the Committee of Privileges the question as to what construction should be put on the expression 'precincts of the House' as regards the Madras Legislative Assembly.

Accordingly, the Committee of Privileges met on the 4th April 1955, and decided to obtain information on the principles that have been generally adopted in deciding what exactly constitutes 'precincts' in other countries, especially Canada.

I shall, therefore, be thankful to you if you will kindly let me know by return of post the principle or principles that have been adopted in deciding what exactly constitutes "precincts" in the House of Commons, Canada.

Thanking you.

(2)

Gist of the opinion of Law Clerk, House of Commons, Canada, sent with the letter, dated 8th June 1955, from Clerk of the House of Commons, Canada, Ottawa.

In 1886, Speaker Wallbridge of the Legislative Assembly of the Province of Canada in reprimanding and committing to the care of Sergeant-at-Arms during the pleasure of the House the Assistant Librarian for breach of privilege which consisted in an assault in the Library upon the person of a Member of the House, he said that it was

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a power incidental to the Constitution of that House to preserve peace and order within its *precincts*. It was therefore clear that this Speaker must have thought at the time that *precincts* extended further than the House itself.

The Law Clerk of the House of Commons, Canada, has also given as his opinion that the word 'precincts' comprises all the territory over which the Speaker has jurisdiction whether it be the Chamber of the House of Commons itself or the corridors or Committee Rooms or Members' Rooms surrounding it and even the Restaurant, the Library and the Parliamentary grounds.

ANNEXURE V.

(1)

Letter from the Secretary to the State Legislature, Government Estate, Madras-2, to F. C. GREEN, Esq., M.C., Clerk of the House of Representatives, Canberra, A.C.T., Australia, dated the 30th May 1955, No. 2871/55-10-M.L.

During the month of February 1955, the Speaker of the Madras Legislative Assembly received a letter from a Magistrate in one of the districts in the State to the effect that a bailable warrant had been issued for the arrest of a member of the Assembly. The said member was residing in one of the Legislators' Hostels inside which the Legislature Committee Room is also now located. This Hostel, a separate building, is situated to the north-west of the Assembly Chamber at a distance of about 75 yards with one or two other buildings and two roads in between. As the serving of criminal process "within the precincts of the House" when the House is sitting would amount to breach of privilege, a question has arisen as to what would constitute 'precincts'.

The Speaker, on the 14th March 1955, referred to the Committee of Privileges the question as to what construction should be put on the expression "precincts of the House" as regards the Madras Legislative Assembly.

Accordingly, the Committee of Privileges met on the 4th April 1955, and decided to obtain information on the principles that have been generally adopted in deciding what exactly constitutes 'precincts' in other countries, especially Australia.

I shall therefore be thankful to you if you will kindly let me know by return of post the principle or principles that have been adopted in deciding what exactly constitutes 'precincts' in the House of Representatives, Australia.

Thanking you.

(2)

Gist of the letter from Clerk of the House of Representatives, Canberra, A.C.T., Australia.

The Parliamentary building in Canberra is a complete unit not intersected by roads, paths, etc. According to the definition given in May's Parliamentary Practice the precincts there mean "any part of

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the area within the walls of the Parliamentary building " containing the Senate and the House of Representatives and the associated offices and facilities.

This definition of the " precincts of the House " has been used by Speakers of the House of Representatives in ordering the withdrawal of a Member suspended from the " service of the House ". In view, however, of the remoteness of Canberra from the main centres of population, the House has by a resolution decided that " suspension from the service of the House involves exclusion from the Chamber and its immediate surrounding but does not involve deprivation of the other amenities of the building ".

The House of Representatives had no occasion to define ' precincts ' for purposes of a privilege matter.

ANNEXURE VI.

(1)

Demi-official letter from the Secretary to the State Legislature, Government Estate, Mount Road, Madras-2, to Sri R. V. KRISHNA AYYAR, B.A., M.L., retired Secretary to the State Legislature, No. 7, North Chittrakulam street, Mylapore, Madras, dated 24th June 1955, No. 2871/55-12-M.L.

[Precincts of the House—Definition of.]

You will remember that about the last week of February 1955 when a Committee of the House was sitting to consider the Madras Indebted Agriculturists (Repayment of Debts) Bill, the Secretary to the Madras Legislature received a letter from a Judicial Sub-Magistrate, South Kanara, with a request to inform the Hon. the Speaker that he had issued a bailable warrant against a Member of the Legislature. This Member was a member of the Committee which was then sitting. On a representation made to the Hon. the Leader of the House by the Secretary, as instructed by the Hon. the Speaker, that the service of a legal process or the execution of a legal process within the precincts of the Legislature during the sitting of the House or the sitting of a Committee without the leave of the House would be a breach of privilege, the execution of the bailable warrant on the member was prevented. Some time later, another Member also informed the Hon. the Speaker that a constable wanted to serve a summons on him within the building of the Assembly.

To prevent recurrence of similar incidents, the Hon. the Speaker prepared a note (copy enclosed) for the Members of the House regarding the service of legal process within the precincts of the House and referred the matter to the Committee of Privileges to report on the construction they want to put on the expression " precincts of the House " as regards the Madras Legislative Assembly.

The Privileges Committee at its meeting on the 4th April 1955 resolved that the Clerks of the House of Representatives, Australia, and of the House of Commons, Canada, might be addressed regarding the practice obtaining in those countries and that the opinion of the Advocate-General, Madras, might also be obtained as to the exact meaning of the word ' precincts ' with special reference to the conditions obtaining in the Government Estate. Copies of the note

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prepared for the Privileges Committee and of the replies received from the Advocate-General, Madras, the Clerks of the House of Representatives, Australia, and of the House of Commons, Canada, and from the Lok Sabha, are enclosed herewith.

I shall be very grateful if you would kindly give your expert opinion on them with special reference to the following points:—

(i) Whether the analogy that, for a stranger admitted within the parliamentary precincts with the permission, express or tacit, of the House to presume to serve the process of an inferior tribunal in the presence, actual or constructive, of the House is clearly an abuse of the privilege of admission to the House, and a violation of the dignity of the High Court of Parliament, as reported by the 1945 Committee of the House of Commons which went into the question of the service of legal process within the precincts of the House upon one of the officers of the House, holds good in the case of the Madras Legislative Assembly the validity of whose legislative enactments are liable to be questioned by any Court of Law ?

(ii) If the service of summons or the arrest of a Member within the precincts of the House is to be prevented on a meeting day, till what time before and after the meeting should there be this ban on the service or execution of legal process ?

(iii) Whether other buildings, viz., the cafeteria, the Ministers' rooms and the hostels can be included in the precincts of the House and, if so, under what conditions ?

(iv) A number of visitors come on meeting days to interview the Hon. the Speaker and they are admitted to his Chamber without any restriction. Should the precincts, therefore, extend to the portico also ?

Thanking you.

(2)

Letter from Sri R. V. KRISHNA AYYAR, B.A., M.L., No. 7, Chitrakulam North street, Mylapore, Madras, to Sri T. HANUMANTHAPPA, B.A. (Hons.), B.L., Secretary to the State Legislature, Madras-2, dated 30th June 1955.

I thank you for your kind D.O. letter No. 2871/55-12-M.L., dated 24th June 1955.

My opinion on the points referred to me are as follows:—

1. The privileges of the State Legislature are laid down and recognized by Article 194 of the Indian Constitution, and are assimilated to those of the House of Commons in the United Kingdom. Therefore, the rule of the House of Commons relating to the service of processes and warrants within the precincts of Parliament—whether on members or on strangers—is fully applicable to the Madras Legislative Assembly. It is no doubt open to the State Legislature, by a law passed by it, to abolish or vary any of those privileges, but till now, the State Legislature has not passed any such law. The existing laws, if any, which deal with the service of processes or warrants generally on all persons, cannot be regarded as laws passed for defining the privileges of the Legislature in this particular respect, within the meaning of Article 194 of the Constitution.

[30th September 1955]

2. The answer to this question may vary with the individuals who answer it and is a matter of opinion. In the Madras Legislature at one time, papers used to be placed on the seats of Members one hour before the commencement of a meeting. Even now, they are laid half an hour before a meeting. It is therefore not unusual for members to come to the Assembly some time before the time fixed for the meeting. Similarly, after the conclusion of a meeting, members often stay in the precincts of the House for some time, either to speak to the Presiding Officer or the Secretary or to make enquiries or obtain papers or information from the office. In the circumstances, it would be quite reasonable to allow an hour before and an hour after a meeting as the period covered by a sitting during which processes cannot be served on members within the precincts of the House. Even where a lunch or other interval intervenes between two meetings of the House on one and the same day, the above rule of one hour before and one hour after, will apply. Where a lunch interval is limited to one hour as on ordinary days or to two hours as on Fridays, it will be covered by the above rule. Where the interval is more than two hours, the privilege will not extend to the extra period.

The above rule will apply to strangers as well as to members and to meetings of Select or other Committees of the House as well as to meetings of the House itself.

3. This is the crucial question and an answer to it is also a matter of opinion. Rather than attempting to lay down a general principle or formula for the guidance of officers attempting to serve processes within the precincts of the House and expecting them to apply it correctly in each case after making necessary enquiries about its applicability, it is desirable actually to define the precincts of the House, and remove all doubt as to what the precincts are. In defining the limits of the precincts of the House, we must see that the Assembly does not become a refuge for criminal and an asylum from which criminals can defy the law.

“ The precincts of the House ”—

(a) in connexion with a meeting of the House or of a Committee held in any of the rooms within the Assembly buildings may be defined as including the entire Assembly Buildings together with the Library, the refreshment rooms, the Ministers' rooms in the Government Estate, and the passages leading from the Assembly Buildings to the Library, refreshment rooms and the Ministers' rooms; and

(b) in connexion with a meeting of a Committee held outside the Assembly buildings as including the actual room in which the meeting is held together with the passages, staircases and other parts of the buildings in which that room is situated which are appurtenant to it or necessary for its use as a meeting place for the members of the Committee.

The Hostels are mere residences of Members and neither they nor any other buildings or places in the Government Estate should be treated as precincts of the Assembly.

4. Of course the portico must be regarded as part of the precincts of the Assembly.

Any decisions arrived at on the subject under discussion should be incorporated in a rule of the Assembly and published in the Gazette.